

REMARKS

Claims 1 and 21-25 are pending in the application.

Claim 22 was objected to for lacking a period. The amendment to claim 22 corrects this informality.

The pending claims stand rejected for alleged obviousness-type double patenting as follows.

claims 1 and 21-25 were rejected for alleged obviousness-type double patenting over claims 4-11 of U.S. Patent No. 6,365,797;

claims 1 and 21-25 were rejected for alleged obviousness-type double patenting over claims 1-4, 7-13, 16 and 17 of U.S. Patent No. 6,107,540;

claims 1 and 21-25 were rejected for alleged obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,828,471;

claims 1 and 21-25 were rejected for alleged obviousness-type double patenting over allowed claims 21-27 of co-pending Application No. 10/062,738; and

claims 1 and 21-25 were rejected for alleged obviousness-type double patenting over claims 1 and 7-14 of U.S. Patent No. 6,815,574.

U.S. Patent No. 6,107,540; U.S. Patent No. 6,365,797; U.S. Patent No. 6,828,471; U.S. Patent No. 6,815,574; Application No. 10/062,738 and the subject application are commonly owned by the Regents of the University of California. Applicants submit terminal disclaimers and Certificate under 37 C.F.R. § 3.73(b) with this Amendment. The terminal disclaimers disclaims the terminal portion of the term of a patent granted on the instant application over the cited patents/application. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. See, MPEP §804.02.

In view of the filing of the terminal disclaimers, Applicants respectfully request withdrawal of the obviousness-type double patenting rejections.

Appl. No. 10/067,705
Amdt. dated July 14, 2005
Reply to Office Action of May 12, 2005

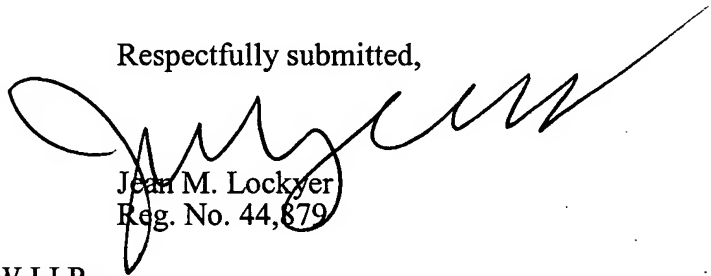
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jean M. Lockyer', is written over the typed name and registration number.

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